EXPLANATORY MEMORANDUM TO

THE NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION (IMMUNITIES AND PRIVILEGES) ORDER 2026

2026 No. [XXXX]

AND

THE NORTH-EAST ATLANTIC FISHERIES COMMISSION (IMMUNITIES AND PRIVILEGES) ORDER 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Foreign Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Chris Elmore MP, Minister for the Americas, Multilateral and Human Rights at the Foreign Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Sarah Broughton, Deputy Chief of Protocol (SCS1) in the Office of Protocol, at the Foreign Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Tom Franey at the Foreign Commonwealth and Development Office can be contacted by email at the following address with any queries regarding the instrument: Protocol.DMIOUIntOrgs@fcdo.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These two Orders confer on the North Atlantic Salmon Conservation Organization (NASCO) and the North-East Atlantic Fisheries Commission (NEAFC) the legal capacities of a body corporate, and the necessary privileges and immunities (P&Is) to enable them to carry out their functions in the UK. It gives effect in UK law to the P&I conferred according to the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North Atlantic Salmon Conservation Organization, signed at Edinburgh, 26 April 1985, as amended by the exchange of notes of 20 December 2000, 4 January 2001 and 17 February 2026 and the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North-East Atlantic Fisheries Commission, signed at London 18 February 1999 as amended by the exchange of notes on 17 July 2026.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument is the United Kingdom.

4.3 The territorial application of this instrument is the United Kingdom. In Scotland articles 5 to 12 do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of the Parliament.

5. Policy Context

What is being done and why?

5.1 The Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North Atlantic Salmon Conservation Organization came into force on 19th November 1985 and was implemented under the European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization) Order 1985 (S.I. 1985/1773) (the "1985 Order"), as amended by the European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization) Order 2001 (S.I. 2001/3673).

The Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North-East Atlantic Fisheries Commission came into force on 18th February 1999 and was implemented under the European Communities (Immunities and Privileges of the North-East Atlantic Fisheries Commission) Order 1999 (S.I. 1999/278) (the "1999 Order").

The 1985 Order and 1999 Order were made under section 2(2) of the European Communities Act 1972. Accordingly, they became secondary assimilated law within the meaning of section 12(2) of the Retained EU Law (Revocation and Reform) Act 2023 ("REUL Act").

The REUL Act provided the Government with powers to revoke secondary assimilated law. The relevant powers in the Retained European Union Law (Revocation and Reform) Act 2023 sunset on 23 June 2026. Consequently, the European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization and North-East Atlantic Fisheries Commission) (Revocation) Regulations 2026 were made, and will come into force on 31 March 2027. These two Orders, replace the 1985 and 1999 Orders and will come into force on 31 March 2027 to ensure continuity in the privileges and immunities that NASCO and NEAFC receive.

5.2 It is now standard practice for the majority of international organisations with headquarters in the UK to have privileges and immunities conferred under the International Organisations Act 1968. Replacing the 1985 and 1999 Orders enables continuity of their P&I.

What was the previous policy, how is this different?

5.3 The policy is unchanged. Privileges and immunities are conferred on NASCO and NEAFC on the basis of functional need, and in accordance with their respective Headquarters Agreements.

6. Legislative and Legal Context

How has the law changed?

6.1 Three Orders that were made under section 2(2) of the European Communities Act 1972 (ECA). The European Communities (Immunities and Privileges of the North

Atlantic Salmon Conservation Organization) Order 1985, the European Communities (Immunities and Privileges of the North-East Atlantic Fisheries Commission) Order 1999 and the European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization) Order 2001. Accordingly, they became secondary assimilated law within the meaning of section 12(2) of REUL Act. The relevant powers in the REUL Act sunset on 23 June 2026. The European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization and North-East Atlantic Fisheries Commission) (Revocation) Regulations 2026, which comes into force on 31 March 2027, took the opportunity to revoke the three items of assimilated law in accordance with the intention of the REUL Act.

6.2 These two Orders replace the 1985 and 1999 Orders with equivalent Orders under the International Organisations Act 1968. This allows for continuity of the P&I of NASCO and NEAFC, to enable them to carry out their functions in the UK in accordance with their Headquarter Agreements. This also provides the ability to amend or revoke P&I beyond the sunset of the REUL Act powers and brings the legislative framework in line with current practice.

Why was this approach taken to change the law?

6.3 This is the best approach to retain the ability to amend or revoke the privileges and immunities for both Organisations beyond the sunset of the REUL Act powers on 23 June 2026.

7. Consultation

Summary of consultation outcome and methodology

7.1 No public consultation was undertaken. The Orders give effect in domestic law to provisions on an international agreement with which the United Kingdom is required to comply. The Foreign Commonwealth and Development Office has undertaken consultation with other Government Departments and the Devolved Administrations on the implementing legislation and necessary changes. The Scottish Government will make a complementary provision in relation to matters within devolved competence.

8. Applicable Guidance

8.1 No Guidance will be published.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on the public sector, business, charities, or voluntary bodies. The privileges and immunities currently conferred to both Organisations will be maintained.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 This instrument is not time limited and there is no requirement to monitor its implementation formally. Officials at the Foreign, Commonwealth and Development Office will monitor the implementation of the Headquarters Agreements on an ongoing and informal basis.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for the Americas, Multilateral and Human Rights has made the following statement regarding Human Rights: "In my view the provisions of both the North Atlantic Salmon Conservation Organization (Immunities and Privileges) Order and the North-East Atlantic Fisheries Commission) (Immunities and Privileges) Order are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").